

## AMENDMENTS TO CLAIMS

Please amend the claims as indicated in the following complete listing of all claims which is submitted in revised format with claim status shown in parenthetical expression and claims currently amended marked to illustrate changes made:

Claim 1 (currently amended): An adjustable fence rail supporting and positioning assembly, said assembly comprising:

- a) a slotted member, said slotted member containing a plurality of uniformly-sized and uniformly-shaped non-vertical slots spaced at regular intervals along a length of said slotted member and horizontally disposed through said slotted member;
- b) a bracket member, said bracket member including:
  - i) a handle portion;
  - ii) a first slot-engaging portion detachably insertable into a first slot among said plurality of slots, said first slot-engaging portion including an L-shaped tab disposed inwardly and upwardly away from a lower remainder of said bracket member, said first slot-engaging portion terminating at an upper end of said bracket member;
  - iii) a second slot-engaging portion detachably insertable into a second slot among said plurality of slots, said second slot-engaging portion being spaced at a predetermined distance from said first slot-engaging portion such that said second slot-engaging portion may be detachably inserted into said second slot while said first slot-engaging portion occupies said

first slot, said second slot-engaging portion including an inverted L-shaped tab disposed inwardly and downwardly away from an upper remainder of said bracket member, said second slot-engaging portion terminating at a lower end of said bracket member; [[and]]

- iv) a fence rail contacting portion having a fence rail contacting surface thereon; and

wherein said bracket member detachably connects to said slotted member and clasps, supports and positions a fence rail against said slotted member, without puncturing, damaging or defacing said fence rail, at a user-selected, user-modifiable elevation and at a user-selected, user-modifiable angle.

Claims 2-6 (cancelled)

Claim 7 (original): An assembly as in claim 1, wherein said plurality of uniformly-sized and uniformly-shaped slots are spaced at a determined interval along said length of said slotted member, said determined interval sized to space and configure said fence rail clasped, supported and positioned against said slotted member by said bracket member at a determined, optimum distance from an additional fence rail clasped, supported and positioned against said slotted member by a second bracket member.

Claim 8 (original): An assembly as in claim 7, wherein said determined interval is sized to configure a fence having porosity of not less than 30 percent but no more than 50 percent.

Claim 9 (original): An assembly as in claim 7, wherein said determined interval is sized to configure a fence having porosity of not less than 45 percent but no more than 50 percent.

Claim 10 (original): An assembly as in claim 7, wherein said determined interval is sized to configure a fence having porosity of 35 percent and to alternatively configure an alternative fence having a porosity of 50 percent.

Claim 11 (currently amended): An adjustable fence rail supporting and positioning assembly, said assembly comprising:

- a) a slotted member, said slotted member containing a plurality of uniformly-sized and uniformly-shaped non-vertical slots spaced at regular intervals along a length of said slotted member and horizontally disposed through said slotted member;
- b) a bracket member, said bracket member including:
  - i) a handle portion;
  - ii) a first slot-engaging portion detachably insertable into a first slot among said plurality of slots, said first slot-engaging portion including an L-shaped tab disposed inwardly and upwardly away from a lower remainder

of said bracket member, said first slot-engaging portion terminating at an upper end of said bracket member;

- iii) a second slot-engaging portion detachably insertable into a second slot among said plurality of slots, said second slot-engaging portion being spaced at a predetermined distance from said first slot-engaging portion such that said second slot-engaging portion may be detachably inserted into said second slot while said first slot- engaging portion occupies said first slot, said second slot-engaging portion including an inverted L-shaped tab disposed inwardly and downwardly away from an upper remainder of said bracket member, said second slot-engaging portion terminating at a lower end of said bracket member;
- iv) a fence rail contacting portion having a fence rail contacting surface thereon; [[and]]
- v) at least an ancillary fence rail support and engagement member; and

wherein said bracket member detachably connects to said slotted member and clasps, supports and positions a fence rail against said slotted member, without puncturing, damaging or defacing said fence rail, at a user-selected, user-modifiable elevation and at a user-selected, user-modifiable angle.

Claims 12-13 (cancelled)

Claim 14 (original): An assembly as in claim 11, wherein said ancillary fence rail support and engagement member has a convex surface to contact and support said fence rail.

Claim 15 (original): An assembly as in claim 11, wherein said plurality of uniformly-sized and uniformly-shaped slots are spaced at a determined interval along said length of said slotted member, said determined interval sized to space and configure said fence rail clasped, supported and positioned against said slotted member by said bracket member at a determined, optimum distance from an additional fence rail clasped, supported and positioned against said slotted member by a second bracket member.

Claim 16 (original): An assembly as in claim 15, wherein said determined interval is sized to configure a fence having porosity of not less than 30 percent but no more than 50 percent.

Claim 17 (original): An assembly as in claim 15, wherein said determined interval is sized to configure a fence having porosity of not less than 45 percent but no more than 50 percent.

Claim 18 (original): An assembly as in claim 15, wherein said determined interval is sized to configure a fence having porosity of 35 percent and to alternatively configure an alternative fence having a porosity of 50 percent.

Claims 19-20 (cancelled)

Claim 21 (previously presented): An adjustable fence rail supporting and positioning assembly, said assembly comprising:

- a) a slotted member, said slotted member containing a plurality of uniformly-sized and uniformly-shaped slots spaced at regular intervals along a length of said slotted member and disposed through said slotted member;
- b) a bracket member, said bracket member including:
  - i) a handle portion;
  - ii) a first slot-engaging portion detachably insertable into a first slot among said plurality of slots;
  - iii) a second slot-engaging portion detachably insertable into a second slot among said plurality of slots, said second slot-engaging portion being spaced at a predetermined distance from said first slot-engaging portion such that said second slot-engaging portion may be detachably inserted into said second slot while said first slot-engaging portion occupies said first slot; and
  - iv) a fence rail contacting portion having a fence rail contacting surface thereon; and

wherein said bracket member detachably connects to said slotted member and clasps, supports and positions a fence rail against said slotted member, without puncturing,

damaging or defacing said fence rail, at a user-selected, user-modifiable elevation and at a user-selected, user-modifiable angle; and

wherein said slotted member further comprises:

- a) a hexagonal portion;
- b) a first wing portion protruding from an exterior surface of a first wall of said hexagonal portion;
- c) a second wing portion protruding from an exterior surface of a third wall of said hexagonal portion; and

wherein:

- i) a fifth wall of said hexagonal portion contains a frontal portion of said slotted member and said plurality of slots;
- ii) said first wall and said third wall of said hexagonal portion are connected to, and spaced apart by a second wall of said hexagonal portion, said second wall connecting at a first end of said second wall to said first wall and at a second end distal said first end of said second wall to said third wall;
- iii) said third wall and said fifth wall of said hexagonal portion are connected to, and spaced apart by a fourth wall of said hexagonal portion, said fourth wall connecting at a first end of said fourth wall to said third wall and at a second end distal said first end of said fourth wall to said fifth wall; and

- iv) said fifth wall and said first wall of said hexagonal portion are connected to, and spaced apart by a sixth wall of said hexagonal portion, said sixth wall connecting at a first end of said sixth wall to said fifth wall and at a second end distal said first end of said sixth wall to said first wall.